

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore)**

UNITED STATES OF AMERICA <i>ex rel.</i>	:	
	:	
GARY YUROW, M.D.,	:	
	:	
Plaintiffs	:	Civil Action No. 1:12-cv-3735-JKB
	:	
	:	
v.	:	
	:	
ST. JOSEPH MEDICAL CENTER, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

**RELATOR'S NOTICE TO VOLUNTARILY
DISMISS THE COMPLAINT WITHOUT PREJUDICE**

Pursuant to Section 3730(b)(1) of the Federal False Claims Act and Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Relator, Gary Yurow, M.D., through counsel, respectfully moves to voluntarily dismiss without prejudice the above-captioned *qui tam* case filed in the United States District Court for the District of Maryland.

I. PROCEDURAL HISTORY

Proceeding on behalf of the United States, Relator, through counsel, filed this action on or about December 20, 2012 (Doc. # 1). Since that time, the United States moved, and was granted for good cause shown, several extensions of the seal in order

to conduct its investigation of Relator's allegations in his Complaint. The United States, having completed its investigation, filed its Notice of Election to Decline Intervention in this matter on or about September 12, 2014 (Doc. # 12). The Complaint in this action has not been served on the Defendants, an Answer has not been filed, nor has any dispositive motions been filed.

II. VOLUNTARY DISMISSAL

Relator files the instant notice to voluntarily dismiss the above-captioned case without prejudice to both the United States and Relator as plaintiffs. The Relator, through counsel, does not wish to pursue this matter further and is therefore seeking this action's dismissal voluntarily pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure which allows a plaintiff to dismiss voluntarily prior to service of the Complaint, the filing of an Answer, or the filing of any dispositive motions. As noted above, none of the foregoing has occurred.

Further, under the False Claims Act, the relator may seek voluntary dismissal of the action "only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." 31 U.S.C. § 3730(b)(1). Counsel for Relator has conferred with the United States and the United States has informed counsel that it does not oppose this dismissal, so long as it is without prejudice to the United States. The United States has also informed counsel for the Relator that it intends to file a notice of consent to dismissal pursuant to 31 U.S.C. 3730(b)(1).

III. CONCLUSION

WHEREFORE, Relator respectfully requests this Court dismiss the Complaint without prejudice to both the United States and Relator.

Dated: March 26, 2015.

Respectfully submitted,

s/ Nathan M. Peak
Nathan M. Peak, Esq.
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Counsel for Relator/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March, 2015, a true and correct copy of RELATOR'S NOTICE TO VOLUNTARILY DISMISS THE COMPLAINT WITHOUT PREJUDICE was sent via the Court's CM/ECF system, to:

Beverly M. Russell, Esq.
Assistant United States Attorney
Office of the United States Attorney for
The District of Columbia
555 Fourth St. N.W.
Washington, D.C. 20530

s/ Nathan M. Peak

Nathan M. Peak